

United States District Court
Eastern District of California

Kenneth Dean Dawson,

Plaintiff,

vs.

US Government,

Defendant.

No. Civ. S 04-1793 GEB PAN P

Findings and Recommendations

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April 8, 2005, the court dismissed plaintiff's complaint for failure to state a claim upon which relief could be granted, explained the deficiencies, and gave plaintiff leave to file an amended complaint correcting those deficiencies. The time allowed for amendment now has expired and plaintiff has not filed an amended complaint.

Accordingly, I hereby recommend that this action be dismissed for failure to state a claim upon which relief could be granted. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).

1 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
2 findings and recommendations are submitted to the United States
3 District Judge assigned to this case. Written objections may be
4 filed within 20 days of service of these findings and
5 recommendations. The document should be captioned "Objections to
6 Magistrate Judge's Findings and Recommendations." The district
7 judge may accept, reject, or modify these findings and
8 recommendations in whole or in part.

9 Dated: November 22, 2005.

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11 /s/ Peter A. Nowinski
12 PETER A. NOWINSKI
13 Magistrate Judge
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